



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/522,489	03/10/2000	Takeo Kawaguchi	594.349US01	5446

23552 7590 02/13/2002

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
----------	--------------

1771

DATE MAILED: 02/13/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

keep in case

SN

Office Action Summary

Application No.
09/522,489

Applicant(s)
Kawaguchi et al.

Examiner
Ula Corinna Ruddock

Art Unit
1771



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 10, 2000
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above, claim(s) 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

Art Unit: 1771

DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to an adhesive mesh tape, classified in class 442, subclass 1.
 - II. Claims 10-11, drawn to a method of reinforcing, classified in class 264, subclass various.
 - III. Claims 12-15, drawn to a cathode ray tube, classified in class 315, subclass 1+.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as mutually exclusive species in an intermediate-final product relationship. Distinctness is proven for claims in this relationship if the intermediate product is useful to make other than the final product (MPEP § 806.04(b), 3rd paragraph), and the species are patentably distinct (MPEP § 806.04(h)). In the instant case, the intermediate product is deemed to be useful as a reinforcing material and the inventions are deemed patentably distinct since there is nothing on this record to show them to be obvious variants. Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions anticipated by the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Art Unit: 1771

3. Inventions I & III and II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP

§ 806.05(h)). In the instant case, the product can be used in a materially different process of using the product, i.e. the adhesive mesh tape can be used between two films or two fabrics.

4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

5. During a telephone conversation with Curt Hamre on December 7, 2001, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-9.

Affirmation of this election must be made by applicant in replying to this Office action. Claims 10-15 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Art Unit: 1771

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 5-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Kawaguchi et al. (US 5,478,639). Kawaguchi et al. disclose an adhesive tape for preventing implosion of a CRT is provided. The tape includes a backing, a pressure sensitive adhesive layer on one side of the backing and a hot melt adhesive layer on the opposite side of the backing (abstract). The wefts of the backing comprise glass filament yarns (col 2, ln 10-12). The warps are preferably made of a black colored natural or synthetic fiber yarns (col 3, ln 45-46). The adhesive tape has a compression rupture strength of at least 5 kgf/cm (col 2, ln 18-19). The glass filaments yarns in the tape have a fines of 25 denier to 500 denier and a density of 10 to 50 yarns per 25 mm for both the warps and wefts (col 4, ln 2-3 and ln 13-16). The amount of hot melt adhesive layer is generally 10 to 100 g/m², preferably 30 to 70 g/m² (col 5, ln 63-65).

9. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 58004248 (JP '248). JP '248 discloses a cathode ray tube that is reinforced with tape formed from a porous sheet made of a net-like fabric, a cold-tackified adhesive layer provided on one surface of the fabric and a cold untackified thermoplastic synthetic resin layer provided on the other surface of the fabric (abstract). A complete translation of the document has been ordered.

Art Unit: 1771

10. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 08203455 (JP '455). JP '455 discloses an adhesive tape for a cathode ray tube having a net-like base material that is embedded in a hot melt adhesive layer and a pressure sensitive adhesive layer on the surface of the hot-melt adhesive layer (abstract). A complete translation of this document has been ordered.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawaguchi et al. (US 5,478,639), as set forth above. Kawaguchi et al. disclose the claimed invention except for the teaching that the total volume of the hot melt resin and pressure sensitive adhesive is less than the volume of the open space of the fabric and more specifically that the pressure sensitive adhesive is not more than three fourths or half of the volume of the open space of the fabric . It would have been obvious to one having ordinary skill in the art to have made the total volume of the hot melt resin and pressure sensitive adhesive be less than the volume of the open space of the fabric and more specifically that the pressure sensitive adhesive be not more than three fourths or half of the volume of the open space of the fabric motivated by the desire to obtain a

Art Unit: 1771

tape that uses less adhesive resulting in cheaper manufacturing costs and having a higher bonding strength.


Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is (703) 305-0066. The Examiner can normally be reached Monday through Thursday from 6:30 AM to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Terrel Morris can be reached at (703) 308-2414.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.

Ula C. Ruddock *UCR*
Patent Examiner
Art Unit 1771
February 11, 2002


CHERYL A. IUSKA
PRIMARY EXAMINER